IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE SIXTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO : 8370 of 2005

Between:

Y.Malakondaiah S/o. Kondaiah,
R/o. Anneboinapalli, Lingasamudram (M), Prakasam District.

..... PETITIONER

AND

1 District Collector, Prakasam District at Ongole.
2 Revenue Divisional Officer, Kandukur Division, Kandukur, Prakasam District.
3 Mandal Revenue Officer, Lingasamudram (M), Prakasam District.
4 Panchayat Secretary, Anneboinapalli Grampanchayat, Lingasamudram (M), Prakasam District.
5 Station House Officer, Gudlur Police Station, Gudlur Mandal, Prakasam District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the 4th Respondent in issuing notice, dt. 10-4-2005 in Rc.No. 1/2005 and consequent action in refusing to receive petitioner's explanation and conduct enquiry before acting upon the said notice is illegal, irregular, arbitrary, without jurisdiction and unreasonable and violative of Art. 14, 21 and 300 A of the Constitution of India and also contrary to the provisions of Land Encroachment Act and consequently direct the respondents not to dispossess the petitioner from Ac. 0.03 cents covered by compound wall in Sy.No. 223/1 of Anneboinapalli Village and pass such other order or orders as this Hon'ble Court may fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.SATYANARAYANA NIMMAGADDA

Counsel for the Respondents: S.C for Panchayat Raj

The Court at the stage of admission made the following :

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ORAL ORDER:

Heard both sides.

In this Writ Petition, the petitioner is seeking a Writ of Mandamus, declaring the action of the fourth respondent in issuing notice dated 10.4.2005 in Rc No. 1/2005 and consequent action in refusing to receive petitioner's explanation and conduct enquiry before acting upon the said notice, as illegal and consequently, direct the third respondent not to dispossess the petitioner from the land to an extent of AC. 0.03 cents covered by compound wall in S.No. 223/1 of Anneboinapalli Village.

The grievance of the petitioner is that the fourth respondent is threatening the petitioner to demolish the compound wall of the petitioner to an extent of Ac. 0.03 cents covered by S.No. 223/1 of Anneboinapalli Village, without considering the reply notice sent through counsel dated 11.42005, on the premise that the petitioner has encroached the Government land and constructed the compound wall.

Though the matter is pending for consideration from 13.4.2005, the respondents have not chosen to file their counter.

In the circumstances, as the writ petition is filed against the show cause notice dated 10.4.2005, to conduct an enquiry and to which, he submitted his reply notice dated 11.4.2005 through advocate, I deem it appropriate to direct the respondents to consider the reply application dated 11.4.2005 after giving an opportunity of personal hearing and pass appropriate orders, within a period of six weeks from the date of receipt of a copy of this order. Till such time, interim order

passed by this court on 13.4.2005 shall continue.

Accordingly, the Writ Petition is disposed of. No order as to costs.

ELIPE DHARMA RAO,J

DATED: 06.06.2005

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To

1 District Collector, Prakasam District at Ongole.
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